

REMARKS

The last Office Action has been carefully considered.

It is noted that claims 10-13 and 16 are rejected under 35 U.S.C. 103(a) over the patent to Cucuzza in view of the patent to Boberg and Kubiak.

The specification has been also objected to and the claims were rejected under 35 U.S.C. 112.

At the same time, claims 14, 15, and 17 were not rejected by the Examiner over the art.

The Examiner's indication of the allowability of these claims has been gratefully acknowledged. In connection with this, claims 15 and 17 have been rewritten to make them independent, and these claims together with claim 5 should be allowed.

Also, the specification has been amended as required by the Examiner.

After carefully considering the Examiner's grounds for the rejection of the claims, claim 1, the broadest claim on file, has been amended so as to more clearly define the present invention and to distinguish it from the prior art. In particular, claim 9 defines now, in addition to the other features, that the arrangement of the present invention has mounting means for mounting edges of a product web, and said spin spraying is located in said region in front of said mounting means.

Before the analysis of the prior art it is believed to be advisable to explain the subject matter of the present invention. The present invention concerns with a new stabilization of the edges of a product web. The new stabilization is carried out by glueing the edges by a spin spraying nozzle. A product web, which is transported by a tensioning aggregate, e.g. by a tensioning chain, needs such stabilized edges.

Turning now to the references and particularly to the patents to Cucuzza and Boberg, it is respectfully submitted that neither the patents to Cucuzza nor the patent to Boberg concerns a stabilization of the edge of a product web. Both references are concerned with fastening edge members identified as 38 in the patent to Cucuzza and as 10

to Boberg on a web. The elastic members are needed to form diapers. They do not show an edge glueing.

The patent to Cucuzza does not disclose any mounting means, while the patent to Boberg does not disclose any glueing nozzle near the edges of the web. Both references do not have spin spraying nozzles.

The Examiner rejected the claims over the combination of the references. It is respectfully submitted that since none of the references teaches the new features of the present invention as now defined in the amended claim 1, any combination of the references would lead to an arrangement which would not include these features as well.

In order to arrive at the applicant's invention from the teachings of the references and their combination, the references have to be fundamentally modified, in particular by including into them the new features which are now defined in the amended claim 9. However, it is known that in order to arrive at a claimed invention, by modifying the references the cited art must itself contain a suggestion for such a modification.

This principle has been consistently upheld by the U.S. Court of Customs and Patent Appeals which, for example, held in its decision in re Randol and Redford (165 USPQ 586) that

Prior patents are references only for what they clearly disclose or suggest; it is not a proper use of a patent as a reference to modify its structure to one which prior art references do not suggest.

Also, as explained herein above, the present invention provides for the highly advantageous results in performing a new, improved stabilization of the edges of a product web in a special way. It is well known that in order to support a valid rejection the art must also suggest that it would accomplish applicant's results. This was stated by the Patent Office Board of Appeals, in the case Ex parte Tanaka, Marushima and Takahashi (174 USPQ 38), as follows:

Claims are not rejected on the ground that it would be obvious to one of ordinary skill in the art to rewire prior art devices in order to accomplish applicants' result, since there is no suggestion in prior art that such a result could be accomplished by so modifying prior art devices.

In view of the above presented remarks and amendments, it is believed that claim 9, the broadest claim on file, should be considered as patentably distinguishing over the art and should be allowed.

As for the dependent claims, these claims depend on claim 9, they share its presumably allowable features, and therefore it is respectfully submitted that they should be allowed as well.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,



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